

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JOHN KRAKOWSKI, KEVIN HORNER )  
and M. ALICIA SIKES, individually and )  
on behalf of those similarly situated, )

Plaintiffs, )

v. )

Case No. 4:12-cv-00954-JAR

AMERICAN AIRLINES, INC. and )  
ALLIED PILOTS ASSOCIATION, )

Defendants. )

**DEFENDANT ALLIED PILOTS ASSOCIATION'S MOTION TO DISMISS**

Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), Defendant Allied Pilots Association (“APA”) respectfully moves this Court to dismiss Plaintiffs’ Complaint insofar as it concerns the APA.

The grounds for this motion, as more fully set forth in the accompanying memorandum of law, are as follows:

1. To the extent Plaintiffs contend that the APA breached the duty of fair representation by agreeing to an interest arbitration proceeding without jurisdiction to alter the American Airlines, Inc. pilot system seniority list, that claim is barred by the doctrines of res judicata, collateral estoppel and the statute of limitations;

2. To the extent Plaintiffs claim any other harm from the interest arbitration that has not yet taken place, that claim is not yet ripe for adjudication and this Court lacks jurisdiction to consider it.

For these reasons, the APA respectfully submits, this Court should dismiss Plaintiffs' seniority related claim against the APA with prejudice and dismiss the remainder of the Complaint concerning the APA without prejudice.

Respectfully submitted,

SCHUCHAT, COOK & WERNER

/s/ George O. Suggs

George O. Suggs, #31641  
SCHUCHAT, COOK & WERNER  
1221 Locust Street, Second Floor  
St. Louis, MO 63103  
Tel.: (314) 621-2626  
Fax: (314) 621-2378  
Email: gos@schuchatcw.com

Attorney for Defendant Allied Pilots  
Association

Dated: July 20, 2012

**CERTIFICATE OF SERVICE**

I hereby certify that on July 20, 2012, I electronically filed the foregoing and its attachments with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Allen P. Press  
Joe D. Jacobson  
GREEN JACOBSON, P.C.  
7733 Forsyth Blvd., Suite 700  
Clayton, MO 63105  
Tel.: (314) 862-6800  
Fax: (314) 862-1606  
Email: press@stlouislaw.com

Attorneys for Plaintiffs

David H. Luce  
CARMODY MacDONALD P.C.  
120 South Central Avenue, Suite 1800  
St. Louis, MO 63105  
Tel.: (314) 854-8605  
Fax: (314) 854-8660  
Email: dhl@carmodymacdonald.com

Attorney for Defendant American Airlines, Inc.

/s/ George O. Suggs  
George O. Suggs